

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.524 OF 2007**

Shri Ajit Chandiramani ...Applicant.
V/s.
The Union of India & Anr. ...Respondents.

Shri Subhash Zha, Sr.Adv. for the Applicant.
Smt.R.M.Gadhvi, APP for Union of India.
Shri Y.S.Shinde, APP for the State.

**CORAM: J.H.BHATIA, J.
DATE : 7th March, 2007.**

P.C.:

1. Heard Mr.Zha, the learned senior counsel for the applicant and Ms.Gadhvi, the learned APP for the State.

2. The applicant has filed this application for bail in case no.6/RA/2007 wherein the accused Barkha Gagan Dialani is already granted bail holding that the offence is bailable. However, it appears that after rejection of application for bail by the learned Chief Metropolitan Magistrate, the applicant had a remedy to move an application before the Sessions Court but instead of availing such remedy, the applicant has directly made an application before this Court. This practice is not appropriate. The applicant may move an application before the Sessions Court for grant of bail.

At this stage, Mr.Zha makes a statement that as this Court has already held that the offence is bailable, the applicant is likely to move an application for bail before the Additional Chief Metropolitan Magistrate. He will be at liberty to move a fresh application before the Additional Chief Metropolitan Magistrate for bail which should be considered as per the provisions of law.

3. Application stands disposed off in terms of the above remarks.

(J.H.Bhatia, J.)